



CABINET FOR HUMAN RESOURCES
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621

DEPARTMENT FOR SOCIAL INSURANCE
"An Equal Opportunity Employer M/F/D"

DCSE Manual Transmittal
Letter No. 371
December 16, 1993

obsolete

TO: Staff, Division of Child Support Enforcement

SUBJECT: Removal of Section VI, Plaintiff's/Petitioner's
Public Assistance Payment History, (Form CS-98.4b) and
Procedural Instructions

The Division of Child Support Enforcement (DCSE) is no longer actively seeking an arrearage at the time a support obligation is initially established. This is because Kentucky's Basic Monthly Child Support Obligation Guideline does not provide for the establishment of a child support arrearage at the time an initial obligation is established.

The Office of Child Support Enforcement (OCSE) has clarified that effective October 13, 1989, states may not, through the IV-D program, establish judgments for reimbursement of public assistance or pursue enforcement of such judgments established on or after this date. This applies to both intrastate and interstate cases.

OCSE has also clarified that "state debt" (AFDC recovery) laws (i.e., Kentucky Revised Statute 205.715) exist independently of the IV-D program. The state's use of IV-D funds to recover such debts established after October 13, 1989, is not permitted. Under the title IV-D program, the state is only authorized to establish orders for support (current and/or past-due) in accordance with the state's child support guidelines. Effective October 13, 1989, only support collected based on orders established using the state's child support guidelines may be used to reduce unreimbursed public assistance. The debt or unreimbursed public assistance is not considered a child support arrearage unless child support guidelines are used to determine the amount of the order or judgment.

Effective immediately, Section VI, Plaintiff's/Petitioner's Public Assistance Payment History, of the General Testimony for URESA (Form CS-98.4b) and its procedural instructions is obsolete. Section VI requires the initiating state to supply information to justify the amount requested as reimbursement of public assistance paid to the family. This form predates the publication of the presumptive guidelines regulations on May 15, 1991.

Since child support guidelines, rather than the amount of public assistance expended, are the bases for setting child support

DCSE Manual Transmittal
Letter No. 371
December 16, 1993
Page Three

Instructions for Manual Maintenance

Remove

General Testimony for URESA
(Part VI, Plaintiff's/
Petitioner's Public
Assistance Payment History)
(Form CS-98.4b) (Rev. 1/91)

General Testimony for URESA
Procedural Instructions
(Form CS-98) pages 5-11
(6/1/91)

Insert

General Testimony for URESA
Procedural Instructions
(Form CS-98) pages 5-11
(12/16/93)